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OFFICE OF PETITIONS

In re Application of	:	
Burns, et al.	:	
Application No. 09/747,713	:	DECISION ON PETITION
Filed: December 22, 2000	:	
Attorney Docket No. EH-10443	:	

This is a decision on the petition filed on May 28, 2004, pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

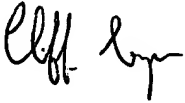
The above-identified application became abandoned for failure to timely file a response to the non-final Office action, mailed April 16, 2003, which set a shortened statutory period for reply of one (1) month. No extensions of time for reply under the provisions of 37 CFR 1.136(a) were obtained. No response having been received, the above-identified application became abandoned on May 17, 2003. A courtesy Notice of Abandonment was mailed on November 17, 2003.

With the instant petition, petitioner paid the petition fee, submitted the proper reply in the form of a Response to Restriction Requirement, and made the proper statement of unintentional delay.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$950 extension of time fee submitted with the petition on May 28, 2004 was subsequent to the maximum period obtainable for reply (October 16, 2003), this fee has been refunded to petitioner's Deposit Account No. 21-0279.

The application file is being forwarded to Group Art Unit 1742 for consideration of the Response to Restriction Requirement, filed May 28, 2004..

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.

A handwritten signature in black ink, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions